

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CONTEMPT PETITION NO. 265 OF 2006**

Ratilal Bhavani Shah .. Appellant.

V/s.

Dr.Arvind Vinayak Bavdekar,  
since deceased through LRs.  
1(a) Mrs. Saroj A. Bavdekar & Ors. .. Respondents.

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Mr.Abhay L.Patki for the Appellant.

Mr.R.V.Pai for the Respondents.

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**CORAM : S. A. BOBDE, J.**

**DATED : 03rd JULY, 2007.**

**P.C. :-**

. This court on 21st of November, 2006 directed the Small Causes Court to investigate into the question of alleged contempt and make a report under Rule 13 of the Contempt of Courts (Bombay High Court) Rules, 1994. The learned Judge of the Small Causes Court has investigated into the matter and has submitted the report dated 02.03.2007. Paragraph 24 and 25 of the report read as follows :

"24. On going through the entire record and comparing both commissioners' report, I do not found cogent evidence in support of petitioner/plaintiffs statement to accept that any structural additions or alterations or even minor work of repairing or painting work have

been carried out in the suit premises.

"25. Above discussion causes me to hold that status -quo order dated 16.12.2004 is maintained by the parties and no any structural additions or alterations or even minor work of repairing or painting work have been carried out in the suit premises. I, therefore, answer point No.1 in the affirmative and point no.2-a in the negative and 2-b does not survive. Further I hold that there is no any breach/violation of order dated 16.12.2004, passed by the Hon'ble Appellate Bench of Small Causes Court, committed by the respondents/ defendants. Accordingly, I answer point no.3 in the negative.

2. The learned counsel for the petitioner has no grievance about not having been heard in the investigation. In this view of the matter, the contempt petition is rendered without any merit and is, therefore, dismissed. Rule discharged.

(S.A.BOBDE, J.)

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